

## **REMARKS**

### **Revocation of Power of Attorney and Appointment of New Attorney**

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. Also included herein is a CHANGE OF ADDRESS notification. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE, PLLC at the address listed on the enclosed form.

### **Claim Rejections**

Claims 1-9 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Keliiliki et al. (6,427,018). Claim 3 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite due to the term "adjusting post of the main body of the microphone" lacking antecedent basis.

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **Amended Claims**

By this Amendment, Applicant has amended 1, 3, 5, 8, and 9 of this application. Claim 3 has been amended to clarify that it has antecedent basis in "an adjusting post" in claim 1, while additional claims have been amended to correct various typographical errors. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior.

The amended claims are directed towards an adjustable ear-hook microphone including, *inter alia*, a wire entry, a wire exit, and a wire channel in the upper part of a C-shaped hook which together form a substantially straight wire

passage; and a signal wire which is routed directly from the wire entry on the C-shaped hook to the main body of the earphone.

Keliiliki et al. differs from Applicant's invention in a number of ways:

1) Applicant's structure for routing the signal wire 3 into the speaker 21 is different

For the present invention, the signal wire 3 is inserted into the speaker 21 by the extended structure of main body 2, not through the adjusting post 23, whereas for the prior art, the signal wire 22 is directly inserted into the speaker 11 through the adjusting post 15. Due to choosing to route the wire through the adjusting post without a limiting part, Keliiliki et al.'s adjusting post 15 can be rotated 360 degrees, which can cause the end point welded at the earphone to be broken due to over turning. Only Applicant has provided an advantageous structure which prevents this overrotation from occurring.

2) Applicant's wire channel 123 passage is different than Keliiliki et al.

Applicant teaches wire channel 123 passage between the wire entry 121 and the wire exit 122 of ear hook 1 is a straight line, whereas Keliiliki et al. teaches that the wire channel 55 (FIG. 8) passages between the wire entries 55, 57 and the wire exits 24, 55 are arced lines. As a result, the Keliiliki et al.'s curved wire channel 55 passage is longer than Applicant's straight passage which provides the shortest distance. As a result, Applicant's signal wire 3 is easily routed through the straight passage, thereby simplified the manufacturing process (as compared with threading the wire through a curved passage).

3) Applicant's wire channel 123 will collect dirt

Keliiliki et al.'s the wire channel 55 (FIG. 8) is provided with a gap, which in use, will collect dirt. In comparison, Applicant's the wire channel 123 is closed; therefore there is no such problem.

In view of the above, it is clear that Keliiliki et al. do not teach an adjustable ear-hook microphone including a wire entry, a wire exit, and a wire channel in the

upper part of a C-shaped hook which together form a substantially straight wire passage. Keliiliki et al. also fails to teach a signal wire routed directly from the wire entry on the C-shaped hook to the main body of the earphone.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Keliiliki et al. do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Keliiliki et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

It is further submitted that Keliiliki et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Keliiliki et al. render obvious any of Applicant's amended claims under 35 U.S.C. § 103.

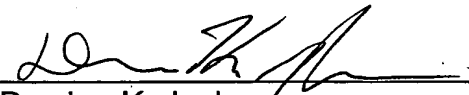
#### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: June 16, 2006

By:

  
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